

JAMES M. BAKER
MAYOR

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September 20, 2007

VIA E-FILING AND HAND DELIVERY

The Honorable Sue L. Robinson
District of Delaware
844 N. King St.
Wilmington, DE 19801

Re: Elizabeth A. Huovinen v. City of Wilmington, et al.,
C.A. No. 07-362 (SLR)

Dear Judge Robinson:

Per the Court's instructions during this morning's teleconference, attached is a revised version of the proposed discovery plan and scheduling order for the above-referenced case.

As always, we remain available should the Court have any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary W. Lipkin".

Gary W. Lipkin (#4044)
Assistant City Solicitor

Enclosure

cc: Clerk of Court (via e-filing, with enclosure)
Steven F. Mones, Esq. (via e-filing, with enclosure)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ELIZABETH A. HUOVINEN)
(f/k/a Elizabeth Taylor),)
)
Plaintiff,)
)
v.) Ca. No. 07-362 SLR
)
CITY OF WILMINGTON and) JURY TRIAL DEMANDED
KENNETH BUKOWSKI,)
)
Defendants.)

ORDER

At Wilmington this _____ day of September 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Discovery.**
 - a. Discovery will be needed on the following subjects: (a) whether Defendants subjected Plaintiff to gender-based discrimination and sexual harassment; (b) whether the City of Wilmington retaliated against Plaintiff for filing a Charge with the Delaware Department of Labor; (c) Plaintiff's allegation of battery and other torts; (d) all damages allegedly suffered by Plaintiff; and (e) applicable defenses to Plaintiff's claims.
 - b. All discovery shall be commenced in time to be completed by February 29, 2008.
 - c. Maximum of 50 interrogatories by each party to any other party.

d. Maximum of 50 requests for admission by each party to any other party.

e. Maximum of one deposition of Plaintiff and one deposition of Defendant, Kenneth Bukowski.

f. Each deposition [other than those of Plaintiff or Defendant Kenneth Bukowski] shall be limited to a maximum of 6 hours unless extended by agreement of the parties.

g. Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof shall be due by March 31, 2008. Rebuttal expert reports shall be due by April 30, 2008.

h. **Discovery Disputes.** Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of Other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before January 4, 2008.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before May 30, 2008. Briefing shall be

pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the Court.

6. **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motions shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions *in Limine*.** All motions *in limine* shall be filed on or before two weeks before pretrial conference. All responses to said motions shall be filed on or before one week before pretrial conference.

8. **Pretrial Conference.** A pretrial conference will be held on Wednesday, September 17, 2008 at 4:30 p.m. in Courtroom 6B, sixth floor, Federal Building, 844 King St., Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a five-day jury trial commencing on September 29, 2008 in courtroom 6B, sixth floor, Federal Building, 844 King St., Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge